



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

the mental anguish suffered because of the publicity of the conversion. *Harris v. Delaware, L. & W. R. Co.*, 72 Atl. 50 (N. J., Sup. Ct.).

Compensation for mental anguish inflicted on the plaintiff may be given whether the act of the defendant is a breach of contract or a tort. Under the general rule as to liability on a contract, it must appear, however, that such injury was in the reasonable contemplation of the parties when the contract was made. See 21 HARV. L. REV. 541. In personal torts redress is generally given, if at all, for any mental suffering resulting from the wrongful act. See 20 HARV. L. REV. 149. There are few cases involving rights in real or personal property where any question of these consequential damages is presented; but in an action of trespass for an unlawful ejectment compensation is generally given for any indignity suffered thereby. *Moyer v. Gordon*, 113 Ind. 282. And damages for mental anguish resulting from the disinterment of a body may be recovered in an action of trespass. *Bessemer Land & Improvement Co. v. Jenkins*, 111 Ala. 135. But as personal property is not of such a character that any sense of personal insult would naturally accompany its deprivation or disturbance, and since mental suffering is therefore improbable, such enhanced damages should not be allowed. This principle has restricted such recovery in actions for trespass to realty. *White v. Dresser*, 135 Mass. 150. Cf. 22 HARV. L. REV. 533. And it is evidently the ground for the distinctions taken in the cases. See 4 HARV. L. REV. 197.

DESCENT AND DISTRIBUTION — DEVOLUTION OF CHARITABLE TRUST PROPERTY ON TERMINATION OF TRUST. — A benefit society consisted of honorary members, who paid subscriptions but could derive no benefits, and benefited members who paid weekly contributions which entitled them to certain annuities. Only persons who had attended a certain school were eligible as benefited members. This school had been closed for over sixty years and only two benefited members survived. The surplus fund was claimed by these members and by the honorary members as a resulting trust. That part subscribed by the honorary members was claimed by the Attorney-General as a charitable trust. *Held*, that the whole fund, after payment of the annuities, belongs to the Crown as *bona vacantia*. *Braithwaite v. Attorney-General*, [1909] 1 Ch. D. 510.

Whether a society of this sort comes within the legal definition of a charity depends upon its purpose as determined by its rules. See *In re Clark's Trust*, 1 Ch. D. 497. Thus, where it is provided that the receipt of benefits shall be conditional upon the poverty of the recipient, the society is a charity. *In re Buck*, [1896] 2 Ch. 727. The funds may then be administered *cy-près*. *Hayter v. Trego*, 5 Russ. 113. But where the purpose is temporary, and those to be benefited are definite, there is a resulting trust for the benefit of the subscribers. *Re Trusts of the Abbott Fund*, [1900] 2 Ch. 326. See 14 HARV. L. REV. 235. Otherwise the funds will be treated as *bona vacantia*. *Cunnack v. Edwards*, [1896] 2 Ch. 679. In the principal case the society was not a charity; for the benefited members were legally entitled to annuities, irrespective of their poverty. But they had no further interests. And since under the statute the subscribers' contributions became the absolute property of the society, there could be no resulting trust. Clearly, therefore, the fund should go to the Crown.

EASEMENTS — MODES OF ACQUISITION — EXTENSION BY ACCRETION TO SOIL OF SERVIENT TENEMENT. — A public street was laid out over riparian land to high-water mark, the easement being secured by eminent domain proceedings. By gradual alluvial deposits the high-water mark was moved seawards. *Held*, that the land acquired by accretion at the end of the street is subject to the easement of the public to the changing high-water mark. *State v. Yates*, 71 Atl. 1018 (Me.).

That a right of way once acquired to navigable water shift with the water-line, is as desirable as that property once riparian remain so. A street dedicated to the public has been held to extend automatically over alluvial deposits,